

## **Alabama Medicaid Agency Tamper Resistant Update**

As the October 1, 2008 Tamper Resistant Prescription deadline is quickly approaching, the Alabama Medicaid Agency wants to provide you with the information you need to ensure Medicaid patients will be able to receive their needed medications and ensure that the transition to these new federally-mandated prescription requirements is as smooth as possible for recipients, pharmacists, physicians, and other prescribers. Please see the below important updated information related to the Medicaid Tamper Resistant requirements.

The new law requires all written prescriptions for covered outpatient drugs that are paid for by Medicaid must be executed on a tamper-resistant prescription. The law applies only to written prescriptions for covered outpatient drugs; prescriptions that are transmitted from the prescriber to the pharmacy verbally, by fax, or through an e-prescription are not impacted by the statute. The law applies whenever Medicaid pays any portion of the cost of a prescription.

As of April 1, 2008, to be considered tamper resistant, a prescription must contain at least one feature of the following three characteristics:

1. one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form;
2. one or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription pad by the prescriber;
3. one or more industry recognized features designed to prevent the use of counterfeit prescription forms.

By October 1, 2008, a prescription pad must contain **all three** of the above characteristics to be considered tamper-resistant.

**Prior guidance from CMS for printed prescriptions generated from Electronic Medical Records or ePrescribing applications stated that special copy resistant paper would likely be required for printed prescriptions to be in compliance as of October 1, 2008. CMS has clarified this statement, and is now stating the below:**

While special paper may be used to achieve copy resistance, it is not necessary. Electronic medical record (EMR) or ePrescribing generated prescriptions may be printed on plain paper and be fully compliant with all three categories of the tamper-resistant regulations presuming they contain at least one feature from each of the three categories. When feasible, any other industry recognized feature that is designed to prevent unauthorized copying of a completed or blank prescription form may also be utilized on a plain paper computer

generated prescription. Since issuing its last guidance on this issue, CMS has determined that at least two such features utilized to prevent passing a copied prescription as an original can also be incorporated into plain paper computer generated prescriptions. The first of these is microprinting, which is the use of very small font that is readable when viewed at 5x magnification or greater, and illegible when copied. The second feature is a “void” pantograph accompanied by a reverse “Rx”, which causes a word such as “Void,” “Illegal,” or “Copy” to appear when the prescription is photocopied. Except where state law mandates the word “Void” or “Illegal”, it is recommended that the pantograph show the word “Copy” if the prescription is copied.

Source: FAQ on CMS website

<http://www.cms.hhs.gov/DeficitReductionAct/Downloads/MIPTRPFAQs9122007.pdf>

In order to ensure that patients do not see any adverse impact regarding their access to medications, it is critical for you to meet **all three** CMS requirements by the October 1 deadline. In an emergency situation, prescriptions written on non-tamper resistant pads will be permitted as long as the prescriber provides a verbal, faxed, electronic, or compliant written prescription within 72 hours after the date on which the prescription was filled. In addition, Alabama Medicaid has developed a Provider Compliance Form (located on the Agency website at [http://www.medicaid.alabama.gov/documents/program-RX/Provider\\_Compliance\\_Form-1-15-08.pdf](http://www.medicaid.alabama.gov/documents/program-RX/Provider_Compliance_Form-1-15-08.pdf)) that can be utilized to submit non-compliant prescribers to the Agency.

Thank you for your efforts to comply with these new federally mandated requirements. Please visit our tamper resistant website for updated information at

[http://www.medicaid.alabama.gov/programs/pharmacy\\_svcs/tamper-resistant\\_Rx\\_pads.aspx?tab=4](http://www.medicaid.alabama.gov/programs/pharmacy_svcs/tamper-resistant_Rx_pads.aspx?tab=4).